

Substitute Rule 312 Amendment
Applicant: Ganesan, et al.
Filed: May 8, 2001
Application No.: 09/849,979

Remarks

This Substitute Amendment Under 37 C.F.R. § 1.312 is directed to typographical and clerical errors and omissions that resulted from rewriting dependent claims in independent form to place them in a condition for allowance after the decision by the Board of Patent Appeals and Interferences. The present amendments correct these errors. In addition, various dependent claims have been amended to improve the readability and understanding of the claims, and to correct typographical or clerical errors and omissions. No new matter is introduced by these amendments and adequate support may be found in the specification.

Specifically, Claims 59-68, 70-79, and 83-106 remain in this application. Claims 82 and 107 have been canceled. Claims 60-63, 71-74, 77, 79, 85-86, 91-92, 95, 98-99, 104-105 are amended.

A. Amendments to Independent Claims

Independent Claim 63 is amended to remove the duplicative recitation of the single step of “directing a crediting of funds equal to the monetary gift amount to a deposit account” and to correct antecedent basis for the “deposit account” element. In light of the Decision on Appeal by the Board of Patent Appeals and Interferences (“Board”), Claim 63 was amended to include the steps of Claim 58 from which it depended at that time. Prior to amending, Claim 63 included the step of “further transmitting, via the network, the transmitted electronic greeting card including the hyper-link and the notification of the monetary gift to a non-designated recipient,” followed by the two “if” clauses stated in the alternative – “if it is determined that the non-designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the non-designated recipient, that the non-designated recipient must become a member of the

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enclosed community before funds are directed to be credited to the deposit account; and if it is determined that the non-designated recipient is a member of the enclosed community, directing the crediting of the funds equal to the monetary gift amount to the deposit account.” The “if” clauses are intended to further define the step of “directing a crediting of funds equal to the monetary gift amount to a deposit account” that was previously recited in Claim 58, specifying the actions to be taken after further transmitting the electronic greeting card to the non-designated recipient and before directing a crediting of funds to the deposit account, depending on the non-designated recipient’s status.

However, while amending the dependent claim to independent from in line with the Board’s indications of allowability, the Applicants inadvertently included the step of “directing a crediting of funds equal to the monetary gift amount to a deposit account,” which resulted in the single step of crediting funds being recited twice – once in the method step included from Claim 58 and once in either of the “if” clauses. To correct this error, and to avoid a reading that may incorrectly suggest two independent steps of crediting funds, the Applicants’ amendment to Claim 63 submitted herewith removes the first recitation of the step of “directing a crediting of funds equal to the monetary gift amount to a deposit account.” The Applicants contend that this amendment merely clarifies the originally intended and understood scope of the claim by precluding any erred readings that the crediting step is to be performed twice.

Additionally, the Applicants assert that any reading of Claim 63, other than that the crediting step is performed once, is clearly erroneous in light of the claim language and in light of the teachings of the specification. The Specification states that a specific benefit created by using the hyperlink to credit funds occurs when upon receipt of a further transmitted electronic

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greeting card the non-designated recipient is able to receive the funds originally donated by following the link. (See Applicants' Specification, p. 68, ll. 6-16). Thus, the logical reading of the claim language, in light of the Specification, is that Claim 63 intends for only the final further recipient to receive the crediting of funds, otherwise overpayment may occur if both the first and the second recipient to receive the crediting of funds as gifted by the donor. Accordingly, the Applicants' amendment submitted herein simply conforms Claim 63 as written in independent form to that presented when it was written in dependent form, which was indicated as allowable.

Furthermore, removing this extra step from Claim 63 does not affect the patentability of the claim. Particularly, it is the step of "further transmitting, via the network, the transmitted electronic greeting card including a hyper-link and the notification of the monetary gift to a non-designated recipient," that is indicated as being distinct over the prior art in the Decision on Appeal by the Board and by the Examiner in the Reasons for Allowance. (*See* Decision on Appeal, p. 9; Reasons for Allowance, p. 3). Also, the Board's recognition of the step of further transmitting the electronic greeting card indicates the Board's understanding of the claim and that the crediting is to ultimately occur only once to a deposit account of the non-designated recipient.

Accordingly, the Applicants request amending Claim 63 as presented herein to further clarify the claim by removing the duplicative recitation of the step of "directing a crediting of funds equal to the monetary gift amount to a deposit account" to afford the claim its meaning as understood by the Board and the Examiner, as explained in the Specification, and as intended by the Applicants.

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Claim 63 is also amended to provide proper antecedent basis for the element “a hyperlink.” Correcting antecedent basis is purely formal and does not alter the scope of the claim beyond that as allowed.

Likewise, independent Claim 74, the system counterpart to Claim 63, is similarly amended to remove the duplicative recitation of “wherein the processor is further configured to direct funds equal to the monetary gift amount to be credited to a deposit account” and to correct antecedent basis for the “deposit account” element.

In addition, independent Claims 77 and 79 are amended to improve readability by adding “and” between the second to last and the last clause. Adding a conjunction between the last two clauses of the claim does not alter the scope of the claim beyond that as allowed.

B. Amendments to Dependent Claims

Dependent Claims 60 and 71 are amended to remove “the electronic greeting card includes a hyperlink;” because that limitation is recited in the respective independent Claims 64 and 75, and is therefore superfluous. Dependent Claims 61, 85, and 91 are amended to combine the step of “activating the hyperlink” with the following step so as to improve the readability and understanding of the claims. Dependent Claims 73, 86, and 92 are amended to remove the phrase “associated with the designated recipient,” as the independent claims from which these claims depend do not include this term, thus improving the readability and understanding of these claims. Dependent Claims 62, 72, 85, 91, 98, 99, 104, and 105 are amended to now depend from Claims 61, 71, 84, 90, 97, 98, 103, and 104, respectively, to correct typographical errors in reassigning the dependencies. Dependent Claims 86 and 92 are amended to include the step of “receiving, via activation of the hyper-link, information identifying the designated recipient” to

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further describe “information identifying the designated recipient,” and the clause “wherein the electronic greeting card includes a hyper-link,” which were inadvertently omitted in the previous amendments, and to improve readability and understanding of the claim. The preamble of dependent Claim 95 is amended to refer to the “system of Claim 74.” Claims 82 and 107 are canceled.

C. Conclusion

The Applicants respectfully submit that the amendments to the claims as discussed herein do not alter the scope nor affect the patentability of the claims, and would not require any additional search or examination. Applicants respectfully submit that the errors were detected during routine Notice of Allowance processing, and would have otherwise been presented earlier if known. Accordingly, the Applicants respectfully request entry of the foregoing amendments before issuance of a patent on the present application. If, however, a decision is made not to enter the foregoing amendments in whole, the Applicants respectfully request entry in part of those amendments for which the Examiner decides entry is proper per MPEP § 714.16(e).

No fees are believed to be due; however, should there be any fees associated with this filing, the Commissioner is hereby authorized to charge Deposit Account No. 19-5029.

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Date: May 3, 2007

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SAB Docket No.: 23952-0127